

FOR THE DISTRICT OF UTAH

LESTER JON RUSTON,  
PLAINTIFF,

VS.

CHURCH OF JESUS CHRIST OF  
LATTER DAY SAINTS, ET AL

DEFENDANT'S,

FILED  
U.S. DISTRICT COURT  
CIVIL ACTION 2:06-CV-526-DB  
2006 DEC -4 P 2:37

DISTRICT OF UTAH

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION BY: ~~DEPUTY CLERK~~ <sup>DEPUTY CLERK</sup>

COMES NOW, PLAINTIFF, LESTER JON RUSTON, AND FILES THIS, HIS  
OPPOSITION TO DEFENDANTS NOV. 15, 2006 MOTION TO DISMISS, AND WOULD  
SHOW THE COURT AS FOLLOWS:

I.

ON OR ABOUT JUNE 19, 2006, PLAINTIFF FILED A MOTION FOR LEAVE TO  
PROCEED I.F.P. ON THIS MATTER AS A CIVIL DETAINEE, HELD ILLEGALLY  
UNDER 18 U.S.C. SECTION 4241(O), DUE TO THE ACTIONS OF THE DEFENDANTS.  
SAID MOTION WAS GRANTED ON JUNE 29, 2006 BY THE HONORABLE JUDGE  
SAMUEL ALBA, PLAINTIFF IS AN INDIGENT CIVIL DETAINEE, AND IS NOT  
SUBJECT TO THE PRISON LITIGATION REFORM ACT, CITING PERRINS V. HEDRICK,  
340 F.3d 582 (8TH CIR. 2003) AND AS STATED, CLEARLY, IN MOTION TO PROCEED  
I.F.P. THE DEFENDANTS HAVE PURPOSELY EXCLUDED THESE "FACTS" IN THEIR  
FILING. THE COMPLAINT IS NOT LEGALLY FRIVOLOUS, AND A DISTRICT COURT IS  
UNDER AN OBLIGATION TO DETERMINE IF A COMPLAINT STATES ALLEGATIONS UPON  
WHICH RELIEF CAN BE GRANTED, SEE 18 U.S.C. SECTION 1962, AS  
CLEARLY ARTICULATED IN MOTION FOR DEFAULT JUDGMENT, FILED ON  
SEPT. 11, 2006, AND IN RULE 15 AMENDMENT AND SUPPLEMENTATION TO  
COMPLAINT, FILED ON THE 14TH OF JULY, 2006.

II.

PLAINTIFF CLEARLY STATED A CLAIM UPON WHICH RELIEF CAN BE  
GRANTED IN HIS AFFIDAVIT OF R.I.C.O. ALLEGATIONS, UNDER 18 U.S.C.

SECTION 1962. FURTHER, THE DEFENDANTS HAVE ENGAGED IN K.I.C.O. RACKETEERING ALLEGATIONS, AND HAVE CONSPIRED WITH ~~THE~~ "STATE" OFFICIALS, ACTING UNDER COLOR OF LAW, WHICH IS "PUBLIC RECORD" IN RUSTON V. DALLAS COUNTY, ET AL, 3:06-CV-1582-M N.D. TEXAS, DALLAS DIVISION, PURPOSELY SUPPRESSED BY THE DEFENDANTS' COUNSEL, AS WELL AS THE GRANTING OF I.F.P. STATUS IN RUSTON V. WUE, ~~BECAUSE~~ 06-CV-711-AHN CONNECTICUT DISTRICT COURT MOTION TO PROCEED I.F.P. ON APPEAL BY JUDGE ALAN NEVAS. BECK V. PRUPIS, 529 U.S. 494 (2000) CLEARLY STATES THAT A VICTIM OF K.I.C.O. RACKETEERING ALLEGATIONS HAS A CIVIL CAUSE OF ACTION, UNDER 18 U.S.C. SECTION 1962, AS ARTICULATED IN PLAINTIFF'S AFFIDAVIT TO THE COURT ON AUGUST 12, 2006.

### III.

THE SUPREME COURT CLEARLY RULED A PRISONER HAS A RIGHT TO PROTECTION, AS ARTICULATED IN THIS COMPLAINT, IN DAVIDSON V. CANNON, 474 U.S. 898, 88 L.Ed.2d 222, 106 S.Ct. 222 (1985). FOLLOWING THE FILING OF THIS COMPLAINT, THE DEFENDANTS, UPON INFORMATION AND BELIEF, CONSPIRED WITH STATE OF TEXAS AND FEDERAL OFFICIALS, ACTING UNDER COLOR OF LAW, TO "RETALIATE" AGAINST THE PLAINTIFF WITH A VIOLATION OF CFR 541.22 WITH ADMINISTRATIVE DETENTION, AND YET ANOTHER "DEATH THREAT", WHICH IS EXHIBIT "J" OF THE DEFENDANTS MEMORANDUM IN SUPPORT OF MOTION TO DISMISS, NOW ON APPEAL.

### IV.

SERVICE SHOULD BE MADE BY THE U.S. MARSHAL'S SERVICE, PURSUANT TO RULE 4, AND IS OUT OF THE CONTROL OF THE PLAINTIFF. THE COURT GRANTED I.F.P. STATUS, THEREFORE, SERVICE SHOULD BE EFFECTED BY THE U.S. MARSHAL'S UPON THE COURT'S ORDER. THE DEFENDANTS CLAIM TO HAVE NOT BEEN SERVED, YET HAVE QUOTED THE COMPLAINT, VERBATIM, IN THEIR MEMORANDUM!

## V.

THE SUPREME COURT CLEARLY RULED PRO-SE FILINGS MUST BE CONSTRUED "LIBERALLY", SEE HAINES V. KERNER, 404 U.S. 519, ALL LISTED MEMBERS OF THE DEFENDANTS ARE OR WERE MEMBERS OF THE CHURCH "DEFENDANTS", AND ACTING AS "AGENTS" OF THE CHURCH DURING ALL ALLEGATIONS IN THIS COMPLAINT. IF GORDON B. HINCKLEY WOULD "CONSULT" HIS "INFAMOUS" CHURCH RECORDS, HE COULD, AND PROBABLY HAS EASILY DETERMINED THIS, AS WILL RULES 33 AND 34 OF THE FED. R. CIV. P. HINCKLEY REFUSES TO REMOVE THE PLAINTIFF'S NAME FROM HIS RECORDS, IN VIOLATION OF THE 1ST, 4TH, 5TH, 6TH, 8TH AND 14TH AMENDMENTS TO THE U.S. CONSTITUTION, IN CRIMINAL VIOLATION OF 18 U.S.C. SECTIONS 241, 242, 247, 1201, 2340 AND 1961, GIVING RISE TO THIS CLAIM, WHICH IS MOST CERTAINLY NOT BARRED BY THE FIRST AMENDMENT, AS FALSELY STATED BY COUNSEL FOR DEFENDANTS. DEFENDANTS CONTINUE TO SUFFER "DELUSIONS" THAT THEY SUPERCARE CONGRESS AND THE SUPREME COURT, IN FURTHERANCE OF CRIMINAL VIOLATIONS OF 18 U.S.C. SECTIONS 1961 AND 2383.

## VI.

PLAINTIFF OBJECTS TO FURTHER "FALSE" CLAIM OF PAGE 12. WHICH FALSELY STATES "ALLEGATIONS ARE SO SENSATIONAL AS TO BE BEYOND BELIEF, SUCH AS CLAIM THAT THE DEFENDANTS "CONSPIRED TO INFILTRATE THE F.B.I. ... TO OBSTACLE JUSTICE IN THE FEDERAL CRIMES COMMITTED BY THEIR MEMBERS". SAID CLAIM IS SLANDER AND LIBEL. THIS INTELLIGENCE WAS PROVIDED BY LICENSED FEDERAL PUBLIC DEFENDERS AND IS EASILY PROVEN VIA RULE 34 "DISCOVERY" OF F.B.I. RECRUITING RECORDS AT BRIGHAM YOUNG UNIVERSITY. FURTHER, PLAINTIFF HAS PERSONALLY INVESTIGATED THE CASE U.S. V. MORRISON, 415 F.3d 1180 (10TH CIRCUIT 2005), IN WHICH THE DEFENDANTS SHOW "CAUSATION" WITH F.B.I. AGENTS

AGAINST "ENEMIES" OF THIS ALLEGED "CULT". DEFENDANTS CLAIMS ARE FRIVOLOUS AND THEY CONTINUE TO INSULT THIS COURTS INTELLIGENCE, AND SUPPRESS EVIDENCE WHICH IS "PUBLIC RECORD", AND EASILY SUBSTANTIATED.

### VII.

THE DEFENDANTS HAVE CONSPIRED WITH B.O.P. STAFF TO VIOLATE CFR 541.22, AGAIN, AND PLAINTIFF IS BEING HELD IN ADMINISTRATIVE DETENTION AND DENIED ACCESS TO VARIOUS COURTS, AS HELD IN ALLAN V. SEIVERLING 229 F.3d 220 (3RD CIR. 2000). THE SUPREME COURT HAS CLEARLY RULED THAT ADMINISTRATIVE DETENTION CANNOT BE USED WITHOUT DUE PROCESS, NOR IN RETALIATION FOR CIVIL ACTIONS IN HEWITT V. HELMS, 459 U.S. 460 (1983) AND TURNER V. SAFELY, 482 U.S. 78 (1987), YET B.O.P. "STAFF" CONTINUE TO DO SO AT THIS FILING, UNDER THE DIRECT INFLUENCE OF B.O.P. STAFF BY THE DEFENDANTS. JAY RICHARD MORRISON IS CURRENTLY BEING HELD AND "BATTERED" IN THIS FACILITY BY FORCED MEDICATION, AS HELD IN SEE V. GRAVES, 744 F.2d 1387, (10TH CIR. 1984), WHICH CLEARLY SHOWS "CAUSATION" AGAINST DEFENDANT GORDON B. HINCKLEY, WHO IS AN ALLEGED TORTURE SADIST.

### VIII.

PLAINTIFF CLEARLY CITED 18 U.S.C. 1961 AND 1962 IN HIS COMPLAINT, WHICH IS SUPPRESSED BY COUNSEL FOR DEFENDANTS IN THEIR FILINGS. ALL LISTED DEFENDANTS HAVE ENGAGED IN BRIBERY, WITNESS TAMPERING, MAIL FRAUD, WIRE FRAUD EFFECTING INTERSTATE AND FOREIGN COMMERCE, THROUGH THE ZION BANKS. MEL CHADWICK IS A FORMER BISHOP OF DALLAS 6TH WARD AND NOW A CHURCH PATRIARCH, WHO BRIBED DEFENDANT ALLISON E. SMITH, PLAINTIFF'S SISTER AND IAN JAMES RUSTON, PLAINTIFFS BROTHER, TO VIOLATE HIS CONSTITUTIONAL RIGHTS, AND STEAL AND DAMAGE HIS PROPERTY AND BUSINESS. LARRY K. HERCULES IS A MODERN LAWYER, WHO AIDED AND ABETTED

THREE CRIMES, AND ENGAGED IN EXTORTION WITH RUSTON-SMITH AND IAN JAMES RUSTON, O.B.A. DALLAS COMPRESSOR COMPANY, WHICH IS "PUBLIC RECORD", ALLUDED TO IN COMPLAINT, IN PRECINCT 1, PLACE 1, DALLAS COUNTY MUNICIPAL COURT IN RUSTON V. DALLAS ~~COMPANY~~ COMPRESSOR. THESE R.I.C.O. RACKETEERING ACTIONS ARE REASONED, NON FRIVOLOUS "PUBLIC RECORD", AS HELD IN LISTER V. DEP'T OF TREASURY, 409 F.3d 1309, 1312 (10TH CIR. 2005). PLAINTIFF CLEARLY STATED A "CLAIM" UNDER 18 U.S.C. SECTION 1962, ALL CLAIMS RELATED TO "ACTORS", AS ALLEGED ON PAGE 12, DEMONSTRATE A CONSPIRACY TO ENGAGE IN R.I.C.O. RACKETEERING ACTIVITIES. DEFENDANT JERRY HENDERSON IS THE "MORMON" MISSIONARY WHO BRAINWASHED VICTOR AND MARGARET RUSTON TO ENGAGE IN RACKETEERING ACTIVITY. HENDERSON IS A NOTORIOUS INCOME TAX EVADER, WHO RECRUITED VICTOR RUSTON TO "HARBOR" HIM WHILE HE WAS A FUGITIVE FROM JUSTICE IN 1973, IN GROOMFIELD, COLORADO, WITNESSED BY PLAINTIFF AND REPORTED TO I.R.S. AGENTS, FOR WHOM PLAINTIFF IS AN INFORMANT. PLAINTIFF HAS PERFORMED "CONTRACT" WORK FOR THE TREASURY DEPARTMENT SINCE 1980, UNDERCOVER, AND WARNED HENDERSON TO STAY AWAY FROM HIS FATHER, REPEATEDLY, FOLLOWING HENDERSON'S DERANGED ANTI GOVERNMENT RHETORIC AND WHO "THE BIG LIE" TAPES GIVEN TO DEFENDANT, VICTOR JAMES RUSTON. PLAINTIFF REPORTED HENDERSON'S INSANITY TO DALLAS F.B.I. FOLLOWING THE BOMBING OF THE OKLAHOMA CITY FEDERAL BUILDING, DUE TO HIS INCITING ANTI-GOVERNMENT HATRED, IN VIOLATION OF 18 U.S.C. SECTION 2383. DEFENDANT BAO DATES IS THE FORMER BISHOP OF DALLAS 4TH WARD, WHO "BRIBED" PLAINTIFF, WITH CASH, IN 2003, TO NOT "BLAME" MORMONS FOR THE RACKETEERING ACTIONS OF HIS FAMILY, EASILY DETERMINED BY PHONE RECORDS AND MORMON "RECORDS", SUPPRESSED BY DEFENDANT GORDON B. HINCKLEY, HIS "MODUS OPERANDI".

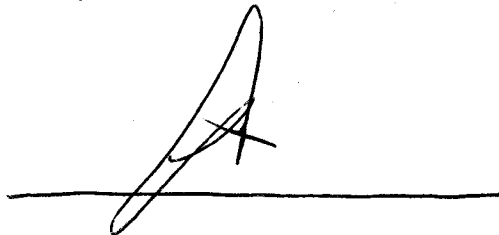
WHEREFORE, PREMISES CONSIDERED, PLAINTIFF LESTER JON RUSTON DOES FILE THIS OPPOSITION TO DEFENDANTS MOTION TO DISMISS, AND DOES MOVE THIS COURT TO SUSTAIN THESE OBJECTIONS, ALLOW PLAINTIFF TO PROCEED I.F.P., AND TO ORDER THE U.S. MARSHAL'S TO ISSUE SERVICE TO DEFENDANTS, PURSUANT TO RULE 4 FED. R. CIV. P.

RESPECTFULLY SUBMITTED,

LESTER JON RUSTON H 26834-177  
 (TEMP ADDRESS) P.O. BOX 4000  
 SPRINGFIELD, MISSOURI 65801

CERTIFICATE OF SERVICE

A TRUE AND CORRECT COPY OF THE FOREGOING INSTRUMENT WAS PROVIDED TO THE CLERK OF THE COURT BY PLACING AN ORIGINAL DOCUMENT IN THE INMATE MAIL BOX ON NOV. 29, 2006, WITH FIRST CLASS POSTAGE AFFIXED. PLAINTIFF CANNOT SERVE DEFENDANTS, DUE TO VIOLATION OF CFR 541.22, AND DOES MOVE THIS HONORABLE COURT TO ASSIST WITH SERVICE, PURSUANT TO 28 U.S.C. SECTION 1915.



LEIS J. KUSTAN #26834-173

Medical Center for Federal Prisoners  
P.O. Box 4000  
Springfield, Missouri 65801-4000

SPRINGFIELD MO 658

29 NOV 2006 PM 2 L



UNITED STATES DISTRICT COURT

ATTN. CLERK OF THE COURT

350 S. MAIN STREET

SALT LAKE CITY, UTAH 84101

REF: 2:06-cv-526-06

LEGAL MAIL

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